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Paper No. 6

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NOV 05 2002

OFFICE OF PETITIONS

In re Application of
Dennis Keith, Jan-Ji Lai,
Nazar Khalaf and
Chandrika Govardhan
Application No. 10/023,517
Filed: December 17, 2001
Attorney Docket No. 13764-002001
Title: METHODS FOR PREPARING
PURIFIED LIPOPEPTIDES

DECISION ACCORDING STATUS
UNDER 37 C.F.R. § 1.47(a)

This is in response to the petition, filed September 3, 2002,
(certificate of mailing, Monday, August 26, 2002) under 37 C.F.R.
§ 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on December 17, 2001,
without an executed oath or declaration. Accordingly, on January
24, 2002, applicants were mailed a "Notice to File Missing Parts
of Nonprovisional Application," requiring an executed oath or
declaration, and the surcharge under § 1.16(e) for its late
filing. A two-month period for reply was set, with extensions of
time obtainable under § 1.136(a).

In reply, petitioners filed the instant petition, asserting that
status under § 1.47¹ is proper because joint inventors Khalaf and
Govardhan have refused to join in the application. This reply
was made timely by an accompanying petition for an extension for
response within the fifth month (and fee). Accompanying the
petition was a declaration executed by joint inventors Keith and
Lai on behalf of themselves and on behalf of non-signing joint
inventors Khalaf and Govardhan. In support thereof, petitioner
submitted the declaration of patent attorney Timothy J. Douros;
with documentary evidence of the presentation of the application
papers to patent counsel Richard Forrest.

Having considered the evidence, it is concluded that rule 47
applicants have shown that inventors Khalaf and Govardhan have,

¹ A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that
the non-signing inventor cannot be reached or refuses to sign the oath or
declaration after having been presented with the application papers (oath or
declaration, and specification, claims, drawings); (2) an acceptable oath or
declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee;
and (4) a statement of the last known address of the non-signing inventor.

by their conduct, refused to join in the application. Petitioners have shown that the application papers were presented to patent counsel Forrest for delivery to inventors Khalaf and Govardhan. Return of the documents with signatures by September 16, 2002 was requested. Attorney Douros attests to having received no response.

The declaration and the petition have been reviewed and found in compliance with 37 C.F.R. § 1.47(a). The petition fee has been charged to Deposit Account No. 06-1050, as authorized. (Receipt of the \$130 check for payment of the late surcharge is acknowledged). The last known addresses of inventors Khalaf and Govardhan are understood to be as stated in the declaration.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1646 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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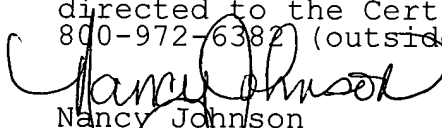
OFFICE OF PETITIONS
LETTER

Dear Mr. Khalaf:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
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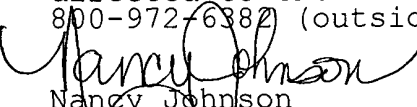
OFFICE OF PETITIONS
LETTER

Dear Chandrika Govardhan:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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